

#### 2.3.1.3 Evaluation of Draft Proposals

The State Evaluation Team will evaluate each Draft Proposal and notify the Bidder of any defects it has noted. Such notification is intended to minimize the risk that the Final Proposal will be deemed defective; however, **the State will not provide any warranty that all defects in the Draft Proposal have been detected and that such notification will not preclude rejection of the Final Proposal if such defects are later found.**

#### 2.3.1.4 Confidential Discussions

The State will conduct confidential discussions with Bidders submitting Draft Proposals. At the confidential discussion, the Bidder will be asked to provide an overview of its Proposal. During the overview, the State will provide feedback to the Bidder to identify areas of the Proposal that are not fully compliant with the requirements of the ITP. In addition, the State will provide information to the Bidder about major areas of contract language changes submitted by the Bidder.

#### 2.3.1.5 Discussion Memorandum

Throughout the Confidential Discussion the Bidder is responsible for keeping whatever record they need of all items discussed, their resolution, and any changes the Bidder intends to make and the State's acceptance of such changes to prepare the final Proposal. **Oral statements made by either party shall not obligate either party.**

#### 2.3.1.6 Final Proposal

Proposals must be complete in all respects as required by Section 8, Proposal Format. A Final Proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. A Final Proposal must be rejected if any such defect or irregularity constitutes a material deviation from the ITP requirements. The Final Proposal must contain all costs required by Section 7, Pricing Proposal and Section 8, Proposal Format, setting forth a unit price for each unit price item, and a total price for each lump sum price item in the schedule, all in clearly legible figures. The costs must assume the terms and conditions of the model contract in Appendix I apply. **If required in Section 8, Proposal Format, cost data (as identified in the above referenced section) must be submitted under separate, sealed cover. Draft Proposals must contain all information required in the Final Proposal except cost.** Exhibit #2-1 at the end of this Section 2 entitled COMPETITIVE BIDDING AND BID RESPONSIVENESS emphasizes the requirement of competitive bidding and contains examples of common causes for rejection of bids. Bidders are encouraged to review this exhibit.

#### 2.3.1.7 Evaluation of Final Proposals

**During evaluation of the Final Proposal, the State Evaluation Team may request the Bidder to clarify any area of the Proposal the Evaluation Team determines to be unclear.**

Such clarification may provide information about equipment and products, what the Bidder is proposing, and how the Bidder intends to perform tasks identified in the proposal. Clarifications submitted in writing shall become part of the Bidder's Final Proposal and shall be evaluated. However, this request for clarification will not be an opportunity for the bidder to change its proposal.

#### 2.3.1.8 Flawed Final Proposals

The State may declare the Final Proposal to be an additional Draft Proposal in the event that the State Evaluation Team determines that Final Proposals from all Bidders contained material deviations and that it is in the best interest of the State to continue the bid process. If this occurs, the State will issue an addendum to the ITP and a confidential discussion will be held with each Bidder that submitted a flawed Final Proposal and any other Bidder that requests a confidential discussion. Each Bidder will be notified of the due date for the submission of a new completed Final Proposal to the State. This submission must conform to all of the requirements of the original Final Proposal as amended by any subsequent addenda. During the evaluation of the new Final Proposal, the State Evaluation Team may request the Bidder to clarify any area of the Proposal that the State Evaluation Team determines to be unclear. Such clarification may provide information about equipment and products, what the Bidder is proposing, and how the Bidder intends to perform tasks identified in the proposal. Clarifications submitted in writing shall become part of the Bidder's Final Proposal and shall be evaluated. However, this request for clarification will not be an opportunity for the bidder to change its proposal.

### 2.3.2 Submission of Draft and Final Proposals

#### 2.3.2.1 Signature of Proposals

A cover letter (which shall be considered an integral part of the submission) shall be signed by an individual who is authorized to bind the bidding firm contractually. The signature must indicate the title or position that the individual holds in the firm. **An unsigned Final Proposal shall be rejected.**

The Draft Proposal must also contain the cover letter, similarly prepared, including the title of the person who will sign, but need not contain the signature.

#### 2.3.2.2 Delivery of Proposals

The Draft and Final Proposals must be submitted by Bidders by the dates specified in Section 1.5, Key Action Dates. If mailed, proposals must be received on or before the specified date.

Mail or deliver Proposals to the Department Official listed in Section 1.4. If mailed, use certified or registered mail with return receipt requested as mailing of proposals is done at Bidder's own risk of untimely delivery, lost mail, etc.

Proposals must be received in the number of copies stated in Section 8, Proposal Format. Proposals must be received not later than the dates and times specified in Section 1.5, Key Action Dates. One (1) copy must be clearly marked "Master Copy." All copies of Proposals must be under sealed cover which is to be plainly marked "DRAFT PROPOSAL" or "FINAL PROPOSAL" for "ITP HWDC-8024." Also, the sealed cover of all submittals, except the Final

Proposal, shall be clearly marked "CONFIDENTIAL" and shall state the scheduled date and time for submission. Draft Proposals will be returned for sealing. **Final Proposals not received by the date and time specified in Section 1.5, Key Action Dates, or not sealed, will be rejected.** As required in Section 8, Proposal Format, all cost data (as identified in the above referenced section) must be submitted under separate, sealed cover and clearly marked "COST DATA." If cost data is required to be submitted separately sealed, and is not submitted in this manner, the